

TO: Chief Best

FROM: Former Lt. Brendan Kolding

RE: OPA 18-1006 and OPA 19-0045

On 01/16/2019, I was interviewed for OPA 18-1006. During the course of the interview, I provided information that was consistent with my memory and recollection of the related events at the time of the interview. In specific, I denied sending an envelope containing a flyer for the Telephone Reporting Unit (TRU) to the complainant. When asked why my fingerprints were on the tape that was attached to the envelope, my response was that I worked in APRS for 5 and a half years, and that my fingerprints were on various items in that office. At the time that I made that statement, I did not recall sending the envelope to the complainant, and I provided the only possible explanation for the presence of my fingerprints on said envelope that I could think of. When confronted with the fact that OPA had a record of a call made from my cell phone to the Latent Print Unit, I stated that I did not recall making that phone call. I did not deny making the call, but stated that I had no recollection of it as I routinely made calls to units all throughout the Department.

That evening, I awoke at approximately 2300 hours. My mind proceeded to review the interview, in particular the revelation that my fingerprints were on the envelope. I then recovered a vague memory of sending the envelope to the complainant. In sum, within approximately 12 hours of my interview, I recalled taking the actions that I had been accused of taking but had originally denied. I was unable to sleep for the rest of the night.

On 01/17/2019, I called Lt. Bachler, my SPMA representative, at approximately 0615 hours. I informed him of what happened. That afternoon, I received notification from Lt. Ovens at OPA that I had been accused of dishonesty (OPA 19-0045) related to my initial interview.

At some point between 01/19/2019 and 01/21/2019 (MLK Weekend), I reviewed my phone records and noted that I had made a call to the Latent Print Unit on 12/21/2018. This was the day after I received a request from Lt. Ovens to schedule an interview for this case. Upon reflecting on this matter, I recalled that I had placed a call to the Latent Print Unit to inquire as to whether they supported OPA investigations. The reason I did this was that I was curious as to what investigative steps OPA was taking that would elevate this matter to a full investigation requiring an interview. I theorized that OPA had possibly submitted something to evidence, and called the Latent Print Unit to see if that was even a possibility. I spoke briefly with someone who informed me that the Latent Print Unit does support OPA investigations. At this point, I felt that I had an answer as to what was going on with the investigation, but still did not recall actually sending the envelope to Morrison.

On 01/26/2019, as I continued to reflect and mine my memory, I recalled that I had made at least two attempts to call Lt. Ovens on 01/21/2019 prior to calling the

Latent Print Unit. I used my desk phone, and did not leave a voice mail because I did not want to play phone tag. I eventually learned that Lt. Ovens was out of the office for vacation.

On 01/28/2019, I received a phone call on my work cell phone from a North Precinct sergeant. As I was screening his incident, I paced about my office. This caused me to realize that I tended to stand as much as I could at work, as my job required me to sit most of the time. This is the reason that I placed the call to the Latent Print Unit from a cell phone. I imagine that the reason I used my person cell phone was that my work cell phone was on the charger.

In early February, I decided to resign from SPD for reasons that you and I have previously discussed in-person. I submitted my two-weeks notice on approximately 02/20/2019, and my last day sworn was 03/08/2019.

In late March, I was contacted by OPA to schedule an interview. Lt. Bachler reached out to me, and I followed his advice.

On 05/18/2019, I received a letter from Human Resources informing me of the recommended findings related to the two OPA cases in question.

I have been extraordinarily busy since I left SPD, and had not thought much about these two cases. However, receiving the letter has caused me to reflect very deeply on the totality of the situation surrounding them. In the summer of 2017, while serving as temporary acting lieutenant at APRS, I confronted an employee (the complainant in OPA 18-1006) about his tardiness. He responded by menacing me with a pair of scissors. From there, I was subjected to a pattern of bullying, intimidation, and lies by this employee, the other sergeant in APRS, and our permanent acting lieutenant. (This was during a period of time when APRS did not have a captain.) Multiple attempts to seek help from people higher in the chain of command were unsuccessful. When we eventually got a captain, he bullied me relentlessly until I agreed to go back to Patrol. I was on the list to be promoted to lieutenant, but the day that I transferred to Patrol I was skipped over for promotion. When I eventually was promoted, I had lost approximately \$15,000 worth of wages that I would have earned had I been promoted when my name came up on the list. I was assigned to serve as an administrative lieutenant. This job involves mostly watching video, with very little in the way of leadership responsibilities. The stress, anxiety and emotional distress that I had been experiencing transitioned into depression and helplessness. I felt that the experiences that I had been having at work for over a year were retaliatory. Finding myself sitting in a windowless office watching video all day felt like a punishment. Meanwhile, I was aware that the complainant remained at APRS, and was continuing to lie about me. I believe that, in a moment of frustration, I made the flippant decision to send him a copy of the Department e-mail as way to suggest that, since I was forced out of APRS, that he should leave, too. I was in a mental state where I needed some sort of closure.

Once I took that action, I attempted to move on. When I got the first notification that he had made a complaint to OPA, I recalled a very similar complaint that he had made approximately one year prior. Feeling that this complaint was

redundant and already settled, I e-mailed Lt. Ovens requesting an expedited review of the case. I also recalled another similar incident where he accused me of placing a photocopy of a hand displaying a middle finger on his desk. When confronted about this by our captain, I requested to see the photocopy so I could compare it with my own hands and prove that it was not me. Our captain refused to allow me to see the photocopy. So, when I received the initial complaint, I perceived this as an escalation of the complainant's bullying of and lies about me.

I am not an expert in psychology or the dynamics of human memory. I simply maintain that the action I took was related to emotional distress and depression, the same factors that caused me to forget the action and focus on other things when it was brought back to my attention. The e-mail with which this statement has been transmitted to you contains 20 pages of documentation that outlines, in great detail, the circumstances I have summarized above. For the longest time, I have festered over these details and been angry about the way that I was treated. However, at this point, I simply want to own my actions, offer my explanation for them, and sincerely apologize. What I did was petty and inappropriate, regardless of the underlying cause or mental state. Such conduct is not reflective of who I am, how I was raised, or, most importantly, the example I seek to set for my children. I am embarrassed, ashamed, and contrite. I no longer blame others for the pain and anguish I have experienced; I simply seek to move on.

Against that backdrop, I would like to address each of the policies in question:

5.001(10) Employees Shall Strive to be Professional

I do not contest OPA's finding for this policy, as the act of sending the document to the complainant was unprofessional. As tempting as it is to dwell on the myriad unprofessional behaviors that have been exhibited to me over the past two years, including by employees who outrank me, I am choosing to own my own actions and move forward.

In the letter I received from OPA, it is written that my "actions appear to be part of an ongoing course of conduct, which included making repeated complaints about the officer without basis." The materials I have provided on this e-mail transmission will show that these complaints have had very strong basis.

5.001(2) Employees Must Adhere to Laws, City Policy, and Department Policy

I do not contest OPA's finding for this policy, as I admit that I violated the professionalism policy.

5.001(11) Employees Shall be Truthful and Complete in All Communication

I respectfully contest OPA's finding for this policy. According to the SPMA Collective Bargaining Agreement, "dishonesty means more than mere inaccuracy or faulty memory." As I have explained above, I did not recall the information in question until after the interview. There was a time when I was extremely frustrated by the dishonest communications others made to and about me, and the significant

impact those have had on me and my family. However, I have made the decision to move forward.

5.001(14) Retaliation is Prohibited

I respectfully contest OPA's finding for this policy. The manual states that, "Retaliation includes discouragement, intimidation, coercion, or adverse action against any person." I do not believe that the act of sending someone a copy of an SPDALL e-mail advertising a job opening meets any of these standards. I was subjected to a great deal of treatment that I do feel was retaliatory, including when my immediate supervisor deleted the line from my time sheet template that I used to log my time as acting lieutenant, when I was denied the opportunity to become acting lieutenant of APRS when I was the only one on the promotional list (and someone who was not on the list was allowed to continue to serve in that position for several months), and when I was coerced into transferring out of APRS. However, after experiencing extreme emotional distress and depression related to these events and seeing the impact it has had on me and my family, I have made the decision to move forward.

5.001(15) Employees Obey any Lawful Order Issued by a Superior Officer

I respectfully contest OPA's finding for this policy. At issue here is whether instructions conveyed on a PAS entry made by one supervisor apply once an employee has moved to a different supervisor. I will argue that they do not. As soon as I left APRS, I was given instructions by my new supervisor that contradicted those contained within the PAS entry made by my captain at APRS. Namely, although my captain at APRS told me to only deal with the detectives in my squad and defer issues in the other squad to their sergeant, when I got to the West Precinct I was instructed to be available to the entire watch. When I arrived at the North Precinct, although I did not have any direct reports, I was told that I could contact any officer or sergeant directly and give them an order without having to go through their lieutenant. For these reasons, I believe that orders documented in a PAS entry must expire when the employee to whom they are directed comes under the supervision of a different supervisor. Department policy always applies.

Another point of frustration for me is that I wrote a PAS for the complainant in this case related to the initial incident. (This is contained within the appendices attachment.) With our permanent acting lieutenant's support, his sergeant refused to enter it into PAS. Months later, I received a PAS instructing me to "exhaust non-disciplinary remedies," which is what I had tried and was blocked from doing.

Chief, I have come to the point where I have no idea what the rules are at SPD. I spent half my career developing them, making an earnest attempt to follow them, and expecting others to do the same. I made repeated attempts to address the complainant's conduct, and yet was blocked by those above me. To read that OPA feels that my complaints are "without basis" is completely demoralizing, as it is reflective of a system that has been actively working against me for a long time. The emotional distress has taken a tremendous toll on me, and impacted my family. I have spoken with professionals, and am working very hard to move forward. I own

the action that I took, and will emphasize that I am sincerely sorry about it. I reiterate that I did not have recollection of what occurred until after the interview.

As you deliberate on this matter, I request that you consider my entire ten-year career with the SPD. I have had zero sustained complaints, and never triggered EIS. I played a key role in the development of DOJ-mandated policies. I served as an adjunct instructor for the Education & Training Section. I supported the Department's community outreach efforts, working hundreds of Late Night shifts over approximately nine years. As I was undergoing the protracted ordeal outline above and in the other documents attached to this e-mail, I repeatedly sought assistance from within the Department and did my best to maintain an even keel. Ultimately, this was very taxing on me and drove me into a state of extreme emotional distress and depression, from which I have been working very hard to recover.

Respectfully,

Former Lt. Brendan Kolding